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4 Assistant United States Attorney  
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8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 HUNTER MOORE and  
CHARLES EVENS,  
16 aka "Gary,"

17 Defendants.  
18  
19  
20  
21

No. CR 13-917-DMG

AMENDED STIPULATION REGARDING  
REQUEST FOR (1) CONTINUANCE OF  
TRIAL DATE AND (2) FINDINGS OF  
EXCLUDABLE TIME PERIODS PURSUANT  
TO SPEEDY TRIAL ACT

CURRENT TRIAL DATE:

Mar. 25, 2014

[PROPOSED] TRIAL DATE:

Sept. 9, 2014

CURRENT STATUS CONFERENCE:

Mar. 12, 2014, 2:30 p.m.

[PROPOSED] STATUS CONFERENCE:

Aug. 27, 2014, 2:30 p.m.

22 Plaintiff United States of America, by and through its counsel  
23 of record, the United States Attorney for the Central District of  
24 California and Assistant United States Attorney Wendy T. Wu,  
25 defendant Hunter Moore, both individually and by and through his  
26 counsel of record, Robert M. Holley, Esq., and defendant Charles  
27 Evens, both individually and by and through his counsel of record,  
28

1 Deputy Federal Public Defender ("DFPD") Jill Ginstling, hereby  
2 stipulate as follows:

3 1. The Indictment in this case was filed on December 20,  
4 2013. Defendant Evens first appeared before a judicial officer of  
5 the court in which the charges in this case were pending on January  
6 23, 2014. The Speedy Trial Act, 18 U.S.C. § 3161, originally  
7 required that the trial commence on or before April 3, 2014. On  
8 January 23, 2014, the Court set a trial date of March 25, 2014, and  
9 a status conference date of March 12, 2014.

10 2. Defendant Moore first appeared before a judicial officer  
11 of the court in which the charges in this case were pending on  
12 February 7, 2014. The Speedy Trial Act, 18 U.S.C. § 3161,  
13 originally required that the trial commence on or before April 18,  
14 2014. On February 7, 2014, the Court set a trial date of April 8,  
15 2014, and a status conference date of March 19, 2014.

16 3. Defendants are released on bond pending trial.

17 4. The parties estimate that the trial in this matter will  
18 last approximately four days.

19 5. By this stipulation, defendants move to continue the trial  
20 date to September 9, 2014, and the status conference to August 27,  
21 2014, at 2:30 p.m. This is the first request for a continuance.

22 6. The parties request the continuance based upon the  
23 following facts, which the parties believe demonstrate good cause to  
24 support the appropriate findings under the Speedy Trial Act:

25 a. Defendants are charged with violations of 18 U.S.C.  
26 § 371: Conspiracy; 18 U.S.C. §§ 1030(a)(2)(C), (c)(2)(B)(i):  
27 Unauthorized Access to a Protected Computer to Obtain Information;  
28 18 U.S.C. § 1028A: Aggravated Identity Theft; and 18 U.S.C. § 2:

1 Aiding and Abetting and Causing an Act To Be Done. The government  
2 has produced discovery to the defense, including approximately 1,200  
3 pages consisting of law enforcement investigative reports, federal  
4 search warrants, emails, bank records, and other documents. The  
5 government has also produced a CD containing recorded statements  
6 made by defendants during interviews with the Federal Bureau of  
7 Investigation ("FBI"). In addition, the discovery includes a large  
8 volume of electronic data, including records from Internet Service  
9 Providers. The government also has made available for inspection  
10 and copying the digital devices seized pursuant to search warrants.

11 b. Defense counsel may retain computer experts to  
12 analyze the digital data and evidence seized in the case.

13 c. Counsel for defendant Evens is scheduled to be out of  
14 the country from March 12 through March 31, 2013, and also is  
15 presently scheduled for trial in the following cases:

16 i. U.S. v. Davis, CR 13-589-CAS, a sex trafficking  
17 of minors case set for trial on April 22, 2014.

18 ii. U.S. v Turtenwald, CR 13-194-FMO, a case  
19 involving possession and manufacture of explosive devices set for  
20 trial on May 13, 2014.

21 d. In light of the foregoing, counsel for defendants  
22 also represent that additional time is necessary to confer with  
23 defendants, conduct and complete an independent investigation of the  
24 case, conduct and complete additional legal research including for  
25 potential pre-trial motions, review the discovery and potential  
26 evidence in the case, and prepare for trial in the event that a  
27 pretrial resolution does not occur. Defense counsel represent that  
28

1 failure to grant the continuance would deny them reasonable time  
2 necessary for effective preparation, taking into account the  
3 exercise of due diligence.

4 e. Defendants believe that failure to grant the  
5 continuance will deny them continuity of counsel and adequate  
6 representation.

7 f. The government does not object to the continuance.

8 g. The requested continuance is not based on congestion  
9 of the Court's calendar, lack of diligent preparation on the part of  
10 the attorney for the government or the defense, or failure on the  
11 part of the attorney for the Government to obtain available  
12 witnesses.

13 7. For purposes of computing the date under the Speedy Trial  
14 Act by which defendant's trial must commence, the parties agree that  
15 the time period of March 25, 2014, to September 9, 2014, inclusive,  
16 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
17 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a  
18 continuance granted by the Court at defendant's request, without  
19 government objection, on the basis of the Court's finding that:  
20 (i) the ends of justice served by the continuance outweigh the best  
21 interest of the public and defendant in a speedy trial; (ii) failure  
22 to grant the continuance would be likely to make a continuation of  
23 the proceeding impossible, or result in a miscarriage of justice;  
24 and (iii) failure to grant the continuance would unreasonably deny  
25 defendant continuity of counsel and would deny defense counsel the  
26 reasonable time necessary for effective preparation, taking into  
27 account the exercise of due diligence.



8. Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods be excluded from the period within which trial must commence. Moreover, the same provisions and/or other provisions of the Speedy Trial Act may in the future authorize the exclusion of additional time periods from the period within which trial must commence.

IT IS SO STIPULATED.

Dated: March 10, 2014

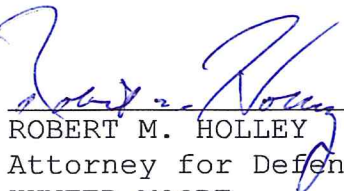
ANDRÉ BIROTTE JR.  
United States Attorney

ROBERT E. DUGDALE  
Assistant United States Attorney  
Chief, Criminal Division

/s/  
WENDY T. WU  
Assistant United States Attorney


Attorneys for Plaintiff  
UNITED STATES OF AMERICA

I am HUNTER MOORE's attorney. I have carefully discussed every part of this stipulation and the continuance of the trial date with my client. I have fully informed my client of his Speedy Trial rights. To my knowledge, my client understands those rights and agrees to waive them. I believe that my client's decision to give up the right to be brought to trial earlier than September 9, 2014, is an informed and voluntary one.

  
ROBERT M. HOLLEY  
Attorney for Defendant  
HUNTER MOORE

3.11.14  
Date

1 I have read this stipulation and have carefully discussed it  
2 with my attorney. I understand my Speedy Trial rights. I  
3 voluntarily agree to the continuance of the trial date, and give up  
4 my right to be brought to trial earlier than September 9, 2014. I  
5 understand that I will be ordered to appear in Courtroom 7 of the  
6 Federal Courthouse, 312 North Spring Street, Los Angeles, California  
7 on August 27, 2014, at 2:30 p.m.

8   
9 \_\_\_\_\_  
10 HUNTER MOORE  
11 Defendant

3-11-14  
\_\_\_\_\_  
Date

12  
13 I am CHARLES EVENS' attorney. I have carefully discussed every  
14 part of this stipulation and the continuance of the trial date with  
15 my client. I have fully informed my client of his Speedy Trial  
16 rights. To my knowledge, my client understands those rights and  
17 agrees to waive them. I believe that my client's decision to give  
18 up the right to be brought to trial earlier than September 9, 2014,  
19 is an informed and voluntary one.

20  
21 \_\_\_\_\_  
22 JILL GINSTLING  
23 Deputy Federal Public Defender  
24 Attorney for Defendant  
25 CHARLES EVENS

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10 HUNTER MOORE  
Defendant

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17 agrees to waive them. I believe that my client's decision to give  
18 up the right to be brought to trial earlier than September 9, 2014,  
19 is an informed and voluntary one.

20  
21 /s/ buy e-mail authorization  
JILL GINSTLING  
22 Deputy Federal Public Defender  
23 Attorney for Defendant  
CHARLES EVENS

3/11/2014

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Defendant

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